

105TH CONGRESS
1ST SESSION

H. R. 2477

To enforce the guarantees of the first, fourteenth, and fifteenth amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 1997

Mr. PAUL introduced the following bill; which was referred to the Committee on House Oversight

A BILL

To enforce the guarantees of the first, fourteenth, and fifteenth amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voter Freedom Act
5 of 1997”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress makes the following
8 findings:

1 (1) Voting participation in the United States is
2 lower than in any other advanced industrialized
3 democracy.

4 (2) The rights of eligible citizens to seek elec-
5 tion to office, vote for candidates of their choice and
6 associate for the purpose of taking part in elections,
7 including the right to create and develop new politi-
8 cal parties, are fundamental in a democracy. The
9 rights of citizens to participate in the election proc-
10 ess, provided in and derived from the first and four-
11 teenth amendments to the Constitution, have con-
12 sistently been promoted and protected by the Fed-
13 eral Government. These rights include the right to
14 cast an effective vote and the right to associate for
15 the advancement of political beliefs, which includes
16 the “constitutional right . . . to create and develop
17 new political parties.” *Norman v. Reed*, 502 U.S.
18 279, 112 S.Ct. 699 (1992). It is the duty of the
19 Federal Government to see that these rights are not
20 impaired in elections for Federal office.

21 (3) Certain restrictions on access to the ballot
22 impair the ability of citizens to exercise these rights
23 and have a direct and damaging effect on citizens’
24 participation in the electoral process.

1 (4) Many States unduly restrict access to the
2 ballot by nonmajor party candidates and nonmajor
3 political parties by means of such devices as exces-
4 sive petition signature requirements, insufficient pe-
5 titioning periods, unconstitutionally early petition fil-
6 ing deadlines, petition signature distribution criteria,
7 and limitations on eligibility to circulate and sign pe-
8 titions.

9 (5) Many States require political parties to poll
10 an unduly high number of votes or to register an un-
11 duly high number of voters as a precondition for re-
12 maining on the ballot.

13 (6) In 1983, the Supreme Court ruled unconsti-
14 tutional an Ohio law requiring a nonmajor party
15 candidate for President to qualify for the general
16 election ballot earlier than major party candidates.
17 This Supreme Court decision, *Anderson v.*
18 *Celebrezze*, 460 U.S. 780 (1983) has been followed
19 by many lower courts in challenges by nonmajor par-
20 ties and candidates to early petition filing deadlines.
21 See, e.g., *Stoddard v. Quinn*, 593 F. Supp. 300
22 (D.Me. 1984); *Cripps v. Seneca County Board of*
23 *Elections*, 629 F. Supp. 1335 (N.D. Oh. 1985); *Lib-*
24 *ertarian Party of Nevada v. Swackhamer*, 638 F.
25 Supp. 565 (D. Nev. 1986); *Cromer v. State of South*

1 Carolina, 917 F.2d 819 (4th Cir. 1990); New Alli-
2 ance Party of Alabama v. Hand, 933 F. 2d 1568
3 (11th Cir. 1991).

4 (7) In 1996, 34 States required nonmajor party
5 candidates for President to qualify for the ballot be-
6 fore the second major party national convention (Ar-
7 izona, California, Colorado, Connecticut, Delaware,
8 District of Columbia, Florida, Georgia, Illinois, Indi-
9 ana, Iowa, Kansas, Maine, Maryland, Massachu-
10 setts, Michigan, Missouri, Montana, Nevada, New
11 Hampshire, New Jersey, New York, North Carolina,
12 Ohio, Oklahoma, Pennsylvania, South Carolina,
13 South Dakota, Tennessee, Texas, Virginia, Washing-
14 ton, West Virginia, and Wyoming). Twenty-six of
15 these States required nonmajor party candidates to
16 qualify before the first major party national conven-
17 tion (Arizona, California, Colorado, Connecticut,
18 Florida, Georgia, Illinois, Indiana, Kansas, Maine,
19 Maryland, Massachusetts, Michigan, Missouri, Mon-
20 tana, Nevada, New Hampshire, New Jersey, North
21 Carolina, Oklahoma, Pennsylvania, South Carolina,
22 South Dakota, Texas, Washington, and West Vir-
23 ginia).

24 (8) Under present law, in 1996, nonmajor party
25 candidates for President were required to obtain at

1 least 701,089 petition signatures to be listed on the
2 ballots of all 50 States and the District of Colum-
3 bia—28 times more signatures than the 25,500 re-
4 quired of Democratic Party candidates and 13 times
5 more signatures than the 54,250 required of Repub-
6 lican Party candidates. To be listed on the ballot in
7 all 50 States and the District of Columbia with a
8 party label, nonmajor party candidates for President
9 were required to obtain approximately 651,475 peti-
10 tion signatures and 89,186 registrants. Thirty-two
11 of the 41 States that hold Presidential primaries re-
12 quired no signatures of major party candidates for
13 President (Arkansas, California, Colorado, Connecti-
14 cut, Florida, Georgia, Idaho, Kansas, Kentucky,
15 Louisiana, Maryland, Massachusetts, Michigan, Min-
16 nesota, Mississippi, Missouri, Nebraska, New Hamp-
17 shire, New Mexico, North Carolina, North Dakota,
18 Oklahoma, Oregon, Rhode Island, South Carolina,
19 South Dakota, Tennessee, Texas, Virginia, Washing-
20 ton, West Virginia, Wisconsin). Only three States re-
21 quired no signatures of nonmajor party candidates
22 for President (Arkansas, Colorado, and Louisiana;
23 Colorado and Louisiana, however, required a \$500
24 filing fee).

1 (9) Under present law, the number of petition
2 signatures required by the States to list a major
3 party candidate for Senate on the ballot in 1996
4 ranged from zero to 15,000. The number of petition
5 signatures required to list a nonmajor party can-
6 didate for Senate ranged from zero to 196,788.
7 Thirty-one States required no signatures of major
8 party candidates for Senate (Alabama, Alaska, Ar-
9 kansas, Colorado, Connecticut, Delaware, Florida,
10 Georgia, Hawaii, Kansas, Kentucky, Louisiana,
11 Maryland, Massachusetts, Minnesota, Mississippi,
12 Missouri, Montana, Nebraska, Nevada, New Hamp-
13 shire, North Carolina, North Dakota, Oklahoma, Or-
14 egon, South Carolina, Texas, Utah, Washington,
15 West Virginia, Wyoming). Only one State required
16 no signatures of nonmajor party candidates for Sen-
17 ate, provided they were willing to be listed on the
18 ballot without a party label (Louisiana, although a
19 \$600 filing fee was required, and to run with a
20 party label, a candidate was required to register
21 111,121 voters into his or her party).

22 (10) Under present law, the number of petition
23 signatures required by the States to list a major
24 party candidate for Congress on the ballot in 1996
25 ranged from zero to 2,000. The number of petition

1 signatures required to list a nonmajor party can-
2 didate for Congress ranged from zero to 13,653.
3 Thirty-one States required no signatures of major
4 party candidates for Congress (Alabama, Alaska, Ar-
5 kansas, Colorado, Connecticut, Delaware, Florida,
6 Georgia, Hawaii, Kansas, Kentucky, Louisiana,
7 Maryland, Minnesota, Mississippi, Missouri, Mon-
8 tana, Nebraska, Nevada, New Hampshire, North
9 Carolina, North Dakota, Oklahoma, Oregon, South
10 Carolina, Texas, Utah, Washington, West Virginia,
11 Wyoming). Only one State required no signatures of
12 nonmajor party candidates for Congress, provided
13 they are willing to be listed on the ballot without a
14 party label (Louisiana, although a \$600 filing fee
15 was required).

16 (11) Under present law, in 1996, eight States
17 required additional signatures to list a nonmajor
18 party candidate for President on the ballot with a
19 party label (Alabama, Arizona, Idaho, Kansas, Ne-
20 braska, North Dakota, Ohio, Tennessee). Thirteen
21 States required additional signatures to list a
22 nonmajor party candidate for Senate or Congress on
23 the ballot with a party label (Alabama, Arizona, Ar-
24 kansas, California, Idaho, Hawaii, Kansas, Louisi-
25 ana, North Dakota, Nebraska, Ohio, Oregon, Ten-

1 nessee). Two of these States (Ohio and Tennessee)
2 required 5,000 signatures and 25 signatures, respec-
3 tively, to list a nonmajor party candidate for Presi-
4 dent or Senate on the ballot in 1996, but required
5 33,463 signatures and 37,179 signatures, respec-
6 tively, to list the candidate on the ballot with her or
7 his party label. One State (California) required a
8 nonmajor party to have 89,006 registrants in order
9 to have its candidate for President listed on the bal-
10 lot with a party label.

11 (12) Under present law, in 1996 one State
12 (California) required nonmajor party candidates for
13 President or Senate to obtain 147,238 signatures in
14 105 days, but required major party candidates for
15 Senate to obtain only 65 signatures in 105 days,
16 and required no signatures of major party can-
17 didates for President. Another State (Texas) re-
18 quired nonmajor party candidates for President or
19 Senate to obtain 43,963 signatures in 75 days, and
20 required no signatures of major party candidates for
21 President or Senate.

22 (13) Under present law, in 1996, seven States
23 required nonmajor party candidates for President or
24 Senate to collect a certain number or percentage of
25 their petition signatures in each congressional dis-

1 trict or in a specified number of congressional dis-
2 tricts (Michigan, Missouri, Nebraska, New Hamp-
3 shire, New York, North Carolina, Virginia). Only
4 three of these States impose a like requirement on
5 major party candidates for President or Senate
6 (Michigan, New York, Virginia).

7 (14) Under present law, in 1996, 20 States re-
8 stricted the circulation of petitions for nonmajor
9 party candidates to residents of those States (Calif-
10 ornia, Colorado, Connecticut, District of Columbia,
11 Idaho, Illinois, Kansas, Michigan, Missouri, Ne-
12 braska, Nevada, New Jersey, New York, Ohio,
13 Pennsylvania, South Dakota, Texas, Virginia, West
14 Virginia, Wisconsin). Two States restricted the cir-
15 culation of petitions for nonmajor party candidates
16 to the county or congressional district where the
17 circulator lives (Kansas and Virginia).

18 (15) Under present law, in 1996, three States
19 prohibited people who voted in a primary election
20 from signing petitions for nonmajor party candidates
21 (Nebraska, New York, Texas, West Virginia).
22 Twelve States restricted the signing of petitions to
23 people who indicate intent to support or vote for the
24 candidate or party (California, Delaware, Hawaii, Il-
25 linois, Indiana, Maryland, New Jersey, New York,

1 North Carolina, Ohio, Oregon, Utah). Five of these
2 12 States required no petitions of major party can-
3 didates (Delaware, Maryland, North Carolina, Or-
4 egon, Utah), and only one of the six remaining
5 States restricted the signing of petitions for major
6 party candidates to people who indicate intent to
7 support or vote for the candidate or party (New Jer-
8 sey).

9 (16) In two States (Louisiana and Maryland),
10 no nonmajor party candidate for Senate has quali-
11 fied for the ballot since those States' ballot access
12 laws have been in effect.

13 (17) In two States (Georgia and Louisiana), no
14 nonmajor party candidate for the United States
15 House of Representatives has qualified for the ballot
16 since those States' ballot access laws have been in
17 effect.

18 (18) Restrictions on the ability of citizens to ex-
19 ercise the rights identified in this subsection have
20 disproportionately impaired participation in the elec-
21 toral process by various groups, including racial
22 minorities.

23 (19) The establishment of fair and uniform na-
24 tional standards for access to the ballot in elections
25 for Federal office would remove barriers to the par-

1 participation of citizens in the electoral process and
2 thereby facilitate such participation and maximize
3 the rights identified in this subsection.

4 (20) The Congress has authority, under the
5 provisions of the Constitution of the United States
6 in sections 4 and 8 of article I, section 1 of article
7 II, article VI, the thirteenth, fourteenth, and fif-
8 teenth amendments, and other provisions of the
9 Constitution of the United States, to protect and
10 promote the exercise of the rights identified in this
11 subsection.

12 (b) PURPOSES.—The purposes of this Act are—

13 (1) to establish fair and uniform standards reg-
14 ulating access to the ballot by eligible citizens who
15 desire to seek election to Federal office and political
16 parties, bodies, and groups which desire to take part
17 in elections for Federal office; and

18 (2) to maximize the participation of eligible citi-
19 zens in elections for Federal office.

20 **SEC. 3. BALLOT ACCESS RIGHTS.**

21 (a) IN GENERAL.—An individual shall have the right
22 to be placed as a candidate on, and to have such individ-
23 ual's political party, body, or group affiliation in connec-
24 tion with such candidacy placed on, a ballot or similar vot-
25 ing materials to be used in a Federal election, if—

1 (1) such individual presents a petition stating
2 in substance that its signers desire such individual's
3 name and political party, body or group affiliation,
4 if any, to be placed on the ballot or other similar
5 voting materials to be used in the Federal election
6 with respect to which such rights are to be exercised;

7 (2) with respect to a Federal election for the of-
8 fice of President, Vice President, or Senator, such
9 petition has a number of signatures of persons quali-
10 fied to vote for such office equal to one-tenth of one
11 percent of the number of persons who voted in the
12 most recent previous Federal election for such office
13 in the State, or 1,000 signatures, whichever is
14 greater;

15 (3) with respect to a Federal election for the of-
16 fice of Representative in, or Delegate or Resident
17 Commissioner to, the Congress, such petition has a
18 number of signatures of persons qualified to vote for
19 such office equal to one-half of one percent of the
20 number of persons who voted in the most recent pre-
21 vious Federal election for such office, or, if there
22 was no previous Federal election for such office,
23 1,000 signatures;

24 (4) with respect to a Federal election the date
25 of which was fixed 345 or more days in advance,

1 such petition was circulated during a period begin-
2 ning on the 345th day and ending on the 75th day
3 before the date of the election; and

4 (5) with respect to a Federal election the date
5 of which was fixed less than 345 days in advance,
6 such petition was circulated during a period estab-
7 lished by the State holding the election, or, if no
8 such period was established, during a period begin-
9 ning on the day after the date the election was
10 scheduled and ending on the tenth day before the
11 date of the election, provided, however, that the
12 number of signatures required under paragraph (2)
13 or (3) shall be reduced by $\frac{1}{270}$ for each day less
14 than 270 in such period.

15 (b) SPECIAL RULE.—An individual shall have the
16 right to be placed as a candidate on, and to have such
17 individual's political party, body, or group affiliation in
18 connection with such candidacy placed on, a ballot or simi-
19 lar voting materials to be used in a Federal election, with-
20 out having to satisfy any requirement relating to a petition
21 under subsection (a), if that or another individual, as a
22 candidate of that political party, body, or group, received
23 one percent of the votes cast in the most recent general
24 Federal election for President or Senator in the State.

1 (c) SAVINGS PROVISION.—Subsections (a) and (b)
2 shall not apply with respect to any State that provides
3 by law for greater ballot access rights than the ballot ac-
4 cess rights provided for under such subsections.

5 **SEC. 4. RULEMAKING.**

6 The Attorney General shall make rules to carry out
7 this Act.

8 **SEC. 5. GENERAL DEFINITIONS.**

9 As used in this Act—

10 (1) the term “Federal election” means a gen-
11 eral or special election for the office of—

12 (A) President or Vice President;

13 (B) Senator; or

14 (C) Representative in, or Delegate or Resi-
15 dent Commissioner to, the Congress;

16 (2) the term “State” means a State of the
17 United States, the District of Columbia, the Com-
18 monwealth of Puerto Rico, and any other territory
19 or possession of the United States;

20 (3) the term “individual” means an individual
21 who has the qualifications required by law of a per-
22 son who holds the office for which such individual
23 seeks to be a candidate;

24 (4) the term “petition” includes a petition
25 which conforms to section 3(a)(1) and upon which

1 signers' addresses and/or printed names are required
2 to be placed;

3 (5) the term "signer" means a person whose
4 signature appears on a petition and who can be
5 identified as a person qualified to vote for an indi-
6 vidual for whom the petition is circulated, and in-
7 cludes a person who requests another to sign a peti-
8 tion on his or her behalf at the time when, and at
9 the place where, the request is made;

10 (6) the term "signature" includes the incom-
11 plete name of a signer, the name of a signer contain-
12 ing abbreviations such as first or middle initial, and
13 the name of a signer preceded or followed by titles
14 such as "Mr.", "Ms.", "Dr.", "Jr.", or "III"; and

15 (7) the term "address" means the address
16 which a signer uses for purposes of registration and
17 voting.

